



ALTERNATIVE DISCIPLINARY PROCEDURE FOR LAW ENFORCEMENT

Directive 5 – 108

Date of Issue: July 2013 Amends/Cancels: G.O. 12-06

I. PURPOSE

The purpose of this Directive is to establish a written Alternative Disciplinary Procedure (ADP) for law enforcement employees. This process provides an option to a police employee for minor violations, when the facts are not in dispute and the employee accepts the recommended disciplinary action.

II. GENERAL PROVISIONS

Alleged violations must be serious enough to compel formal disciplinary action although minor in nature.

A formal administrative investigation is not conducted.

The Detachment Commander of an employee accused of a violation and the Headquarter Services Commander must agree ADP is appropriate.

An employee accused of a violation must agree with the recommended penalty.

III. PROCEDURES

A. Upon receipt of a complaint which may be resolved through the ADP, the Detachment Commander will contact the Headquarter Services Commander to discuss the:

1. Merits of the case.
2. Feasibility of offering ADP.
3. Recommended discipline.

B. When an agreement is reached regarding the use of ADP and the recommended discipline, the employee's detachment commander will:

1. Arrange a meeting with the employee to discuss the allegation and recommend discipline.
2. Forward the original 176 (complaint against personnel) to CID, noting the agreed upon disciplinary recommendation.

- C. The employee's Detachment Commander will ensure the employee understands and/or complies with following:
1. Acceptance of the recommended discipline only applies under ADP.
 2. Statements made by the employee in the meeting with the detachment commander may not be used in any disciplinary investigation or proceedings against the employee.
 3. Additional investigations and disciplinary actions may result if other allegations or information comes to light.
 4. That procedure will not excuse the employee from being interviewed a later time to supply information pertaining to other employees or additional allegations.
 5. Form 181(notification of charges) will be returned to CID for processing.
 6. If the employee does not accept the recommended discipline:
 - a. the employee will be ordered, in writing, not to discuss the case with anyone other than his counsel, detachment commander or the investigator.
 - b. CID will be notified of the refusal to accept ADP.
 - c. the alleged violation will be investigated.
 7. Employee signs the Form 181 indicating acceptance of the approved discipline.

Penalties under ADP will be consistent with the disciplinary matrix guidelines under category B and C.